

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL RIVERA,	:	
Plaintiff	:	No. 1:15-cv-1659
	:	
v.	:	Judge Jones
	:	
C.O. I J. O’HAIRE, et al.,	:	
Defendants	:	Electronically Filed

ANSWER

Defendants, by and through their attorney of record, Senior Deputy Attorney General Lisa Wojdak Basial, respond to the averments in plaintiff’s Complaint as follows:

FIRST DEFENSE

1-2. These paragraphs contain jurisdictional statements and statement of venue to which no response is required. To the extent they are deemed factual, they are denied.

3-9. Admitted.

10-11. Denied.

12-14. Admitted.

15-19. Denied.

20. Denied as stated. By way of further response, plaintiff had stitches in his left eyebrow due to an injury that occurred on I Block when he was being subdued after assaulting Officer Lewis.

21-28. Admitted.

29. Defendants' responses to paragraphs 1-28 are hereby incorporated by reference as if fully set forth herein.

30-38. These paragraphs contain conclusions of law and requests for relief to which no response is required. To the extent they are deemed factual, they are denied.

SECOND DEFENSE

39. The Complaint fails to state any claim upon which relief may be granted.

THIRD DEFENSE

40. The Commonwealth defendants are immune from liability by virtue of absolute, qualified, official, governmental, state sovereign or any other immunity.

FOURTH DEFENSE

41. Plaintiff's injuries were due to his own actions or the actions of persons other than the defendants.

FIFTH DEFENSE

42. Some and all of plaintiff's claims are barred based on lack of personal involvement.

SIXTH DEFENSE

43. Defendants had legitimate penological reasons for all decisions and actions.

Respectfully submitted,

**BRUCE R. BEEMER
First Deputy Attorney General**

By: s/Lisa Wojdak Basial

**LISA WOJDAK BASIAL
Senior Deputy Attorney General
Attorney ID 71554**

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**KENNETH L. JOEL
Chief Deputy Attorney General
Chief, Civil Litigation Section**

Date: January 22, 2016

Counsel for Defendants

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CERTIFICATE OF SERVICE

I, Lisa Wojdak Basial, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on January 22, 2016, I caused to be served a true and correct copy of the foregoing document titled Answer to the following:

Via U.S. First Class Mail

Michael Rivera, EW-2442
SCI-Dallas
1000 Follies road
Dallas, PA 18612
(*Pro Se Plaintiff*)

s/Lisa Wojdak Basial
LISA WOJDAK BASIAL
Senior Deputy Attorney General